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July 5, 2023

MEMO ENDORSED

BY ECF AND ELECTRONIC MAIL

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 618
New York, New York 10007

Walmart Inc., et al. v. Capital One, N.A., 23-cv-02942 (KPF)

Dear Judge Failla:

We represent Defendant/Counterclaim Plaintiff Capital One, National Association (“Capital One”) in the above-captioned matter. Pursuant to the Court’s order on June 13, 2023 (ECF No. 79), Capital One respectfully submits this letter requesting to redact confidential information contained in the transcript of the conference held on May 24, 2023.

The contract at issue contains a confidentiality provision that prohibits the parties from disclosing the terms of the contract, which were discussed during the conference held on May 24, 2023. Capital One therefore respectfully requests the Court’s permission to redact portions of the transcript and for the unredacted transcript to be filed under seal. Capital One and Plaintiffs/Counterclaim Defendants have conferred and agreed to the proposed redactions.

Respectfully submitted,

/s/ Mark P. Goodman

Mark P. Goodman

Application GRANTED. The Clerk of Court is directed to maintain docket entries 78 and 103 under seal, viewable only to the parties and the Court. The Clerk of Court is further directed to terminate the motion at docket entry 101.

Dated: July 6, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE